

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**APPEAL OF ADVISORY
NEIGHBORHOOD COMMISSION 6B**

**BZA APPEAL NO. 20549
HEARING DATE: DECEMBER 1, 2021**

LESSEE'S REQUEST TO RESCHEDULE PUBLIC HEARING

On behalf of DoorDash Essentials LLC d/b/a DashMart ("**DashMart**"), the lessee of property known as 1323 E Street, SE (Lot 116 in Square 1043), we hereby request that the Board of Zoning Adjustment (the "Board") reschedule the public hearing for this case to the next available date in either February or March 2022.

ANC 6B filed this appeal in June and the case was scheduled for a public hearing to be held on December 1, 2021. ANC 6D subsequently filed a Motion to Stay Issuance of Certificate of Occupancy on September 16, 2021; a Motion to Amend Appeal, including an Updated Statement of Appeal, on September 24, 2021; and on November 2nd, **less than 30 days before the hearing**, a second Motion to Amend the Appeal, a new Updated Statement of Appeal, and 12 new exhibits. The most-recent Updated Statement of Appeal states: "Some of the original allegations are moot due to the revisions, but others remain. **The new allegations of errors** by the Zoning Administrator relate to parking deficiencies and incorrect interpretations of existing nonconformities." (Ex.55) (emphasis added).

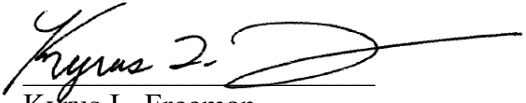
Given the multiple motions to amend the appeal, including the most recent request that by ANC 6B's own admission includes completely new facts and new arguments, counsel for DashMart needs additional time to assess the merits of the new allegations and to properly prepare for the public hearing. Moreover, allowing the ANC 6B to amend an appeal for a second time

less than 30 days prior to the hearing, without providing additional time for the parties to adequately review and address those new allegations and to properly prepare for the public hearing, would be prejudicial to the parties.

Therefore, we respectfully request that the Board reschedule the public hearing for this case to the next available date in either February or March 2022.

Respectfully submitted,

HOLLAND & KNIGHT LLP

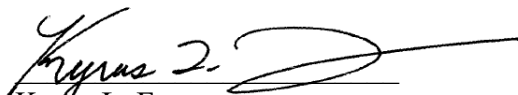
By: 

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CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2021, a copy of the foregoing submission in BZA Case No. 20549 was served by electronic mail upon the following at the addresses stated below:

1. Advisory Neighborhood Commission 6B
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